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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/038,149

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Jay R. Anderson

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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/038,149

Applicant(s)

ANDERSON ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/9/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 30-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 30-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. Applicant's Amendment filed on 9/9/2005 has been entered with amended claims 6, 8-10, 14, 30, 35, 37-39 and cancelled claims 19-29 and 50-64 which were not elected. In this Office Action, claims 1-18 and 30-49 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-18 and 30-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al. (US Patent 6,763,458) hereinafter Watanabe.

4. As per independent claims 1 and 30, Watanabe teaches a method permits a user to select and execute one of a plurality of operating systems available on the device at

the time of powering on the device where data generated by an application program executing within one of the plurality of operating systems available to a different application program executing within a different operating system of the same device (col. 1, lines 27-33). Watanabe teaches the claimed step of “determining cross application function/service classifications of exportable data of an application” as it reads data 703 in the local database 702 and creates or updates an exported data file 712 on the compatible partition 612 (Fig. 6-7, col. 33, lines 46-48). Further, Watanabe teaches the claimed step of “exporting said exportable data of said application in a cross application function/service based manner, based at least in part on said determined cross application function/service classifications of said exportable data” as it is assumed that exporting of the database 702 exports the complete database including all of the data 602 in it and an update if the exported data file 712 is completely over written (Fig. 6-7, col. 33, lines 47-53).

Watanabe teaches the other limitations of claim 30 as follows:

“a storage medium having a recordable medium” as storage device 140-1 (Fig. 1, col. 12, lines 61-65).

“a plurality of machine readable programming instructions recorded on said recordable medium of said storage medium” as the storage for programs and code (Fig. 1, col. 14, lines 64-67).

5. As per dependent claims 2 and 31, Watanabe teaches the claimed step of “determining of cross application function/service classifications of exportable data of an application comprises determining the cross application function/service classifications

of data specified in data publication statements of the application” as the data publisher reads the new data to import file 724 in the compatible partition 612 (Fig. 6-7, col. 35, lines 29-36).

6. As per dependent claims 3 and 32, Watanabe teaches the claimed step of “the method further comprises retrieving said data publication statements of the application” as it makes the GET request to request to a different URL which requests the download of new data such as XML stream encoding new data is integrated into the local database 702 (Fig. 7, col. 34, lines 61-64).

7. As per dependent claims 4 and 33, Watanabe teaches the claimed step of “retrieving of the data publication statements of the application comprises retrieving the data publication statements from a descriptor of the application” as the received files is an XML file and represents a new state of the database and this XML stream can over write any exiting file (Fig. 7, col. 35, lines 6-10).

8. As per dependent claims 5 and 34, Watanabe teaches the claimed step of “data specifications reference data having cross application function/service based classifications of a cross application function/service based data classification model” as the operating system modules that provides a particular categories of server support (col. 22, lines 6-12).

9. As per dependent claims 6 and 35, Watanabe teaches the claimed step of “data specifications comprise encoded binary references referencing said data having cross application function/service based classifications of a cross application function/service based data classification model” as boot mode selection to the pc system via a parallel binary data channel (Fig. 4, col. 24, lines 39-42).

10. As per dependent claims 7 and 36, Watanabe teaches the claimed step of “retrieving said exportable data of said application and storing said retrieved data of said application in a plurality of datasets that are organized in accordance with said cross application function/service classifications” as the boot control is selected from the group consisting of an electrical signal received from an external signal source, and a state of a bit stored in a bit storage location of the device (col. 9, lines 11-14).

11. As per dependent claims 8 and 37, Watanabe teaches the claimed step of “retrieving of exportable data of said application comprises retrieving exportable control data of said application from control data files of said application” as the boot control indicator is derived from the value of electrical signals generated by a control switch (col. 23, lines 65-67).

12. As per dependent claims 9 and 38, Watanabe teaches the claimed step of “retrieving of exportable data of said application comprises retrieving user data of said

application from an operating environment within which said application executes” as the system 100 and user data 155 (Fig. 1, col. 15, lines 5).

13. As per dependent claims 10 and 39, Watanabe teaches the claimed step of “storing comprises correspondingly storing said retrieved data into datasets organized for the cross application functions/services to which the data are associated as data upload/download is done (Fig. 6-7, col. 33, lines 35-44).

14. As per dependent claims 11 and 40, Watanabe teaches the claimed step of “storing further comprises storing meta data into each of said datasets describing the data stored in each of the datasets” as the dispatcher program 716 senses the launch configuration input 718 to determine appliance mode (Fig. 7, col. 34, lines 29).

15. As per dependent claims 12 and 41, wherein each of said storing of meta data comprises storing an encoded binary representation having at least a portion referencing data having cross application function/service classification of a cross application function/service classification model (Fig. 7, col. 25, lines 48-58).

16. As per dependent claims 13 and 42, Watanabe teaches the claimed step of “each of said storing of meta data comprises storing an encoded binary representation having at least a portion identifying the application as the publisher of the data (Fig. 6A, col. 25, lines 22-29).

17. As per dependent claims 14 and 43, Watanabe teaches the claimed step of “portion of the encoded binary representation includes among its identification of the application, functions/services provided by the application” as the control bits 326 are associated with for boot decision (Fig. 6A, col. 25, lines 34-37).

18. As per dependent claims 15 and 44, Watanabe teaches the claimed step of “the method further comprises discovering presence of said application” as either the first operating system or the second operating system may selectable be loaded into memory of the computer for execution (8A, col. 26, lines 6-10).

19. As per dependent claims 16 and 45, Watanabe teaches the claimed step of “discovering comprises retrieving a plurality of presence criteria of said application and determining if the presence criteria are met” the FAT partition is compatible and accessible in both Win32 and Linux environment (Fig. 8A, col. 26, lines 10-15).

20. As per dependent claims 17 and 46, Watanabe teaches the claimed step of “retrieving comprises retrieving said plurality of presence criteria from a descriptor of said application” the dedicated environment of the secondary operating system downloads the critical information which is cached in the File Allocation table or other multi-operating system compatible partition (Fig. 9A, col. 26, lines 56-59).



21. As per dependent claims 18 and 47, Watanabe teaches the claimed step of “determining if the presence criteria are met comprises accessing a registry of an operating environment within which said application is installed to verify if said presence criteria are met” as compatible partition utilizing a File Allocation Table file structure (Fig. 8A, col. 26, lines 4-5).

22. As per dependent claim 48, Watanabe teaches the claimed “article and said apparatus are one of the same, and said article/apparatus further comprises at least one processor coupled to the storage medium to execute the programming instructions” as the primary and secondary operating systems and memory coupled to a processor within a computer or an information appliance (Fig. 8A-8C, col. 25, lines 59-67).

23. As per dependent claim 49, Watanabe teaches the claimed “article/apparatus is a selected one of a wireless mobile phone, a palm sized computing device, a notebook sized computing device, a desktop computing device, a set-top box and a server” as the computing device may be a mobile telephone, personal data assistant or a fixed or other portable communication device (col. 28, lines 5-18).

***Response to Arguments***

24. Applicant's arguments filed 9/9/2005 have been fully considered but they are not persuasive and details as follows:

- a) Applicant's argument stated as "Watanabe does not teach or suggest all of the recitations of independent claim 1."

In response to the applicant's argument, Examiner respectfully disagrees because specification stated as the published data and the subscribed data are identified by the function/service to which the data are affiliated (see spec paragraph [0025]). Watanabe do teach the claim 1 limitations "determining cross application function/service" as the data publisher/subscriber program function is regularly performed. Watanabe do teach "Export of data" the exporting of the database exports the complete database including all of data in it. Watanabe do teach "classifications of exportable data of an application" the while exporting of the database (application), it will classify to match tables in the database. Watanabe performs the updates the exported data file by completely overwriting. ( for details see Fig. 5-6, col. 33, lines 45-58). Therefore, Watanabe do teach all claims and its limitations.

***Conclusion***

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*SRP*  
Sathyanarayan Pannala  
Examiner  
Art Unit 2164

srp  
December 19, 2005

*Mohammad Ali*  
MOHAMMAD ALI  
PRIMARY EXAMINER